

5, 2002 in an Unofficial Communication:

Please amend the application as follows:

IN THE CLAIMS:

C¹
19. A pharmaceutical formulation in the form of a nasal spray comprising an effective amount of a ketorolac-based analgesic admixed with a phospholipid or a bioadhesive polymer, said spray when administered intranasally having a therapeutic blood level comparable to that of the same formulation when injected.

C²
25. A pharmaceutical nasal spray consisting of an effective amount of a ketorolac-based analgesic admixed with a bioadhesive polymer, said spray when administered intranasally having a therapeutic blood level comparable to that of the same formulation when injected.

REMARKS

Reconsideration is respectfully requested. A marked up copy of the present amendment is attached.

The foregoing claims prior to the proposed amendment were copied from U.S. Patent No 6,090,368 for the purpose of provoking an interference. See Preliminary Amendment submitted concurrently with the present application, paragraph bridging pages 4 and 5. Applicants have been assured by telephone from the Examiner that the amended claims would be considered as corresponding substantially to claim 1 of the '368 patent (the Examiner conferred with the USPTO Interference Specialist) and that the present amendment would place the present application in condition for allowance (subject of course to the declaration of an interference, if any).

Serial No.: 09/903,665
Filed: July 13, 2001
{M:\6485\16895\LRD2106.DOC;1}

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Docket No.: 6485/16895-US2
Group Art Unit: 1619

Accordingly, a favorable Notice is respectfully requested .

Respectfully submitted,

Dated: December 20, 2002



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Serial No.: 09/903,665
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PATENT TRADEMARK OFFICE

Docket No.: 6485/16895-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GIANCARLO SANTUS, GIUSEPPE BOTTONI, ETTORE BILATO

Serial No.: 09/903,665

Art Unit: 1619

Filed: July 13, 2001

Examiner: Clinton T. Ostrup

Confirmation No.: 3102

For: THERAPEUTIC COMPOSITIONS FOR INTRANASAL
ADMINISTRATION WHICH INCLUDE KETOROLAC

MARK-UP AMENDMENT PURSUANT TO 37 C.F.R. § 1.121

Please amend the application as follows:

IN THE CLAIMS:

19. A pharmaceutical formulation in the form of a nasal spray comprising an effective amount of a ketorolac-based analgesic admixed with a phospholipid or a bioadhesive

polymer, said spray when administered intranasally having a therapeutic blood level comparable [compared] to that of the same formulation [spray] when injected.

25. A pharmaceutical nasal spray consisting of an effective amount of a ketorolac-based analgesic admixed with a bioadhesive polymer, said spray when administered intranasally having a therapeutic blood level comparable [compared] to that of the same formulation [spray] when injected.